

September 9, 1998

Hon, Martin Frost, TX

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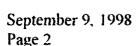
Lawrence Noble, Esq. General Counsel Federal Election Commission 999 E Street, N.W., 6th Floor Washington, D.C. 20463

Dear Mr. Noble:

This complaint asserts that Rudy Izzard ("Izzard") and the Texans for Rudy Izzard Committee ("Committee") (collectively, "Respondents") violated the Federal Election Campaign Act (the "Act"), 2 U.S.C. §§ 431 et seq., and related regulations of the Federal Election Commission ("FEC" or the "Commission"), 11 C.F.R. §§ 100.1 et seq.

Mr. Izzard is a candidate to represent Texas's 17th District in the United States House of Representatives. A review of Mr. Izzard's FEC reports reveals a series of excessive contributions, late and missing campaign reports, and undisclosed contributions.

More disturbing than any of these individual violations is the pattern of cavalier disregard shown by Mr. Izzard for the requirements of the Act. His failure to meet even the Act's most rudimentary duties frustrates the ability of 17th District voters to make an informed choice at the ballot box. The Commission should commence an immediate audit and investigation of Mr. Izzard's campaign, and seek the highest civil penalty permitted by law.





EXCESSIVE CONTRIBUTIONS

The Federal Election Campaign Act limits a Federal candidate to accepting \$1,000 per election from an individual. 2 U.S.C. § 441a(a)(1)(A) (1998). Mr. Izzard's FEC reports show a series of contributions well in excess of this clear limit. Excessive contributions were apparently made by the following individuals:

- Steve Stephens. \$1,000 on Nov. 2, 1997 for the primary election; \$1,000 on Nov. 30, 1997 for the primary election and redesignated on April 4, 1998 for the general election; \$1,000 on June 22, 1998 for the general election.
- Chester Upham. \$1,000 on Oct. 23, 1997 for the primary election; \$2,000 on June 18, 1998 for the primary and general elections.
- H.M. "Harry" Bettis. \$1,000 on June 5, 1998 for the general election; \$100 on June 30, 1998 for the general election.
- Dale McDonald. \$1,000 on Nov. 5, 1997 for the primary election; \$250 on Jan. 30, 1998 for the primary election.
- Paxon for Congress. \$1,035.19 (in-kind) on May 21, 1998 for the general election.

Documentation for the above excessive contributions is attached as Exhibit A.

¹ FEC regulations requires both that redesignations be made in writing, and that they be made within 60 days of receipt of the original contribution. 11 C.F.R. § 110.1(b)(5)(ii)(B) (1998). It is unclear whether Mr. Stephens's contribution met either of these requirements.





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FAILURE TO FILE 48-HOUR NOTICES

The Committee also failed to disclose late contributions in compliance with the Act. The Act requires campaigns in the 20 days immediately preceding an election to file reports of contributions of \$1,000 or more within 48 hours of their receipt. 2 U.S.C. § 434(a)(6)(A). The purpose of this special, last-minute reporting requirement is to ensure that voters go to the polls with a full awareness of the sources of a candidate's funds.

Izzard and his campaign flouted this requirement in the March 1998 election. Izzard reported \$11,000 in contributions late, and entirely failed to report two contributions -- \$1,000 from Nina Hendee on Mar. 1, 1998; and \$1,000 from Sue Walden on Mar. 1, 1998. (Exhibit B.) Izzard's failure to file 48-hour notices as required by the Act is yet more proof of this cavalier attitude toward compliance with the Act.

LATE CAMPAIGN REPORTS

Izzard and the Committee also failed to file two regular FEC reports on time. First, the Committee's 1996 30-Day Post-Election Report, due on December 10, 1996 and covering the period from October 16 to November 25, was not filed until May 16, 1997. (Exhibit C.)

Second, the Committee's 1996 Year-End Report, due on January 31, 1997 and covering the period of November 26, 1996 to December 31, 1996, was not filed until August 7, 1997.

The lateness of these reports -- filed five months and six months late, respectively -- rendered the information they contained almost useless to the electorate and to the public at large.





September 9, 1998 Page 4

UNDISCLOSED OR CORPORATE CONTRIBUTION

Finally, the Izzard campaign reported the sale of a trailer on November 4, 1996, the day before the 1996 General Election, to Gutherie Trailers of Brownwood, Texas for \$1,250. While a committee may sell its used equipment on a normal, commercial basis, none of the Committee's prior reports indicate any initial purchase of the trailer.²

The unusual circumstances surrounding this transaction -- its occurrence on the eve of the election; a source of funds which may well have been a corporation barred from contributing in Federal elections; the involvement of funds totaling over \$1,000; and the fact that the Committee failed to disclose any prior purchase of the trailer -- all suggest an effort to cloak an illegal contribution in the guise of a commercial transaction. The most innocent alternative explanation is that the Committee failed to disclose the initial purchase of the trailer, in violation of the Act.

CONCLUSION

This series of violations committed by Izzard and his campaign shows a remarkable indifference -- if not outright contempt -- for the Federal Election Campaign Act, and for the voters whom the Act works to inform.

Nothing less than a full audit of the campaign's activities will suffice to untangle the web of excessive contributions, missed and late reports, and suspect transactions which pervade the Committee's activities. The Commission may audit political committees which fail to meet a threshold of substantial compliance with the Act. See 2 U.S.C. § 438(b); 11 C.F.R. § 104.16. The Committee's flagrant record of noncompliance suggests that it would fail to meet such a threshold.

² The Act requires disclosure of all expenditures aggregating over \$200 in a calendar year. See 2 U.S.C. § 434(b)(5)(a).





September 9, 1998 Page 5

Moreover, the apparent violations are serious in nature. They warrant a speedy Commission investigation, an injunction to stop future violations, and the highest civil penalties available under law. I respectfully request that the Commission immediately take action to correct these repeated and serious violations.

Sincerely,

Matthew Angle **Executive Director**

Democratic Congressional Campaign Committee 430 South Capitol Street, S.E.

Washington, DC 20003

STATE OF County of Distract Columbia

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Notary Public

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EXCESSIVE CONTRIBUTIONS

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11/4/97 \$610 **PRIMARY** 6/5/98 \$1.000 GENERAL 6/30/98 \$100 GENERAL

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Dr. Dale McDonald San Angelo, Texas—self employed/dentist

\$1,000 11/5/97 PRIMARY 1/30/98 \$250 PRIMARY **GENERAL** 6/30/98 \$1,000

TOTAL PRIMARY: \$1,000 \$1,250 TOTAL GENERAL:

Steve Stephens San Angelo, Texas-Town & Country Food Stores/CEO

PRIMARY 11/2/97 \$1,000 1/30/98 \$1,000 PRIMARY*

*letter to FEC on 4/4/98 redesignated this contribution to GENERAL

PRIMARY

6/22/98 \$1,000 GENERAL

TOTAL PRIMARY: \$1,000 \$2,000 TOTAL GENERAL:

Chester Upham Mineral Wells, Texas—Upham Oil & Gas/owner

10/23/97 \$1,000 PRIMARY/GENERAL 6/18/98 \$2,000

TOTAL PRIMARY: \$2,000 TOTAL GENERAL: \$1,000

 Paxon for Congress Victor, New York

(in-kind) 5/21/98 \$1,035.19 GENERAL





TOTAL PRIMARY:

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TOTAL GENERAL:

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LATE 48-HOUR NOTICES & FAILURE TO FILE 48-HOUR NOTICES

The Izzard campaign was late in reporting \$11,000 within the legally-required 48-hour notice period. The campaign failed to report two \$1,000 contributions altogether:

Nina Hendee
 Houston, Texas—homemaker

3/1/98

\$1,000

GENERAL

(in-kind)

Sue Walden
 Houston, Texas—Welch & Assoc./owner.

3/1/98

\$1,000

GENERAL

(in-kind)

OUESTIONABLE SALE OF CAMPAIGN ASSET

On November 4, 1996, the Izzard campaign sold a trailer to Gutherie Trailers in Brownwood, Texas for \$1,250. However, the purchase of the trailer is shown nowhere in previous reports. The trailer was used in parades.

LATE CAMPAIGN REPORTS

Following the 1996 election, the Izzard campaign was late in filing two FEC reports:

- 30-Day Post-Election Report (covering October 16-November 25, 1996; due on December 10, 1996) was not filed until May 16, 1997.
- January 31 Year End Report (covering November 26-December 31, 1996; due on January 31, 1997) was not filed until August 7, 1997.

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COMMISSION HALL UGOST DECEMBLESTED SEST

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P.O. Box 2992 Abilena, Texas 79804

915-577-0777 (tol) 815-677-0171 (fax.)

April 4, 1998

Mr. David T. Hume Foderal Election Commission 999 S. Street, NW Westington, D.C. 20463

Re: YBC potion dutted March 24, 1998

Dear Mr. Home

Thank you for your correspondence regarding our 12-day pre-primary report (1/1/98-2/18/98). We example to comply fully with all FEC reporting requirement and appreciate your help in this orderver.

The concerns identified in your legar are addressed as follows:

- The \$1,000,00 contribution received from Mr. Stave Stephene on Innerty 30, 1998 was errorecastly superend at being applied to the primary election comparing on the pro-primary report. This contribution was designated to the general election comparing, but was improperly identified on the pre-primary report. I turn attached an amended report, which properly reflects this contribution.
- The campaign staff provide potential contributors with an information card (see examined copy) that sequence the information measures to grapuse campaign finance reports. If a contributor does not complete the information cord, the sauff fallow-up with telephone calls as each contributor of more than \$200.00. It is accanionally difficult to reach contributors that have not provided the requested information. I have complemized, to the staff, the importance of obtaining contributor information, particularly employer and occupation. In the future, when contributor information is noted as missing, the staff has been instructed to follow-up immediately in order to increase the opportunity of obtaining the missing information.

I sincerely hope that I have satisfactorily addressed the lasmo raised in year March 24, 1998 lates. Please find from to constant me should you need additional information in this watter. I can be reached as follows: 915-653-6554, P.O. Box 71, Son Angelo, T.K. 76502.

Freddy Moons

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Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit committees from such committee. NAME OF COMMITTEE (In Full) Texans For Rudy Izzand A. Full Names, Malling Address and OF Co. Name of Employer Claim (mesult), day, year) Amount of Each Hunter =+ rain Recent the Paint P. 3. 20x 1361 Self Endlored San Angelo TY 76901 10/3/197 General Ranchina 200.5 Corner (separably): According Year-to-Date > 5 <u> 200.00</u> S. Full Harris, Malling Address and 20° Code Name of Employer Amount of East lecoion this Period Dute (month, 40y, 700) Ben Endderth R+. 1, Box 334 Self From word Blenked Tr 76432 10126 47 2 Printry Attorney S Germa ಶಲ.ಲ College (specify); కోయి. లు C. Full Home, Majling Address and 20 Code Name of Employer Cute (maner, results of Earth 607, Yes) Receipt the Pened weco Tabor 701 S. Mein Tabors Garage 76453 Jacksboro Tr 101.0197 Primary Comment Approprie Year-to-Date > 3 250.00 Other (specify): 250.00 D. Pull Harro, Mailing Address and 29 Code Name of Employer Dale (recent day, year) Annual of Easts David Underwood 904 Fannin # 850 Evarn Securities Houston Ta 7700 111197 German Stock boker Receipt For: * Princy 500.0 Coor (specify): 500 co E. Pail Harris, Marting Address and 23º Code Chaire (creamily), Chay, yealer) Amount or Each Planting Pty Pures Chester uphan, Tr. P.O. BOX 940 cohan o: 1 + cas Mineral wells To 76068 10/23/47 y Primary 1,000,00 Cities (specify); 1000.00 F. Pull Home, Mading Address and 20 Code Name of Employer Account of Easts Dame (Mari day, year) D. Jim webster 6 Glan Abbey esh-oba- Assoc 79606 Abilene Tx 10/2/97 General X Princy Phasician 250.00 Date: (mincy)); Aggregato Year-th-Com > 8 250.00 C. Pad Harry, Halling Address and SP Code Marry of Continues ATTEMENT OF EACH day, year) **Recinics that Person** Finis west brook 2.0. Box 61150 Retired 76906 Sen Angelo TX 10 30 47 X Printry <u>ما</u>ب 200.00 Approprie Year-to-Date > 5 Officer (separately): 200.00 BUSTOTAL of Receipts This Page (options) 2 <u>9∞.∞</u>

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FAX NO. 6156555857

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RECEIVED (Summary Page) FEDERAL ELECTION T. NAME OF COMMITTEE (IN NUI) ube fec naring label or type or print COMMISSION MAIL ROOM I 22ard For Congress Hay 16 10 12 M '97 ADDRESS (number and street) X Check if different then previously reported. 2. FEC IDENTIFICATION NUMBER 1830 Dave Greek Drive CITY, STATE and ZIP CODE STATE/DISTRICT COO 30 9 8 90 IS THIS REPORT AN AMENDMENT? YES 冈 NO TX/17 San Angela, Texas 76901 4. TYPE OF REPORT 12-Day Pre-Election Report for the **April 15 Quarterly Report** (Type of Election) in the State of .. July 15 Owerserly Report 20-Day Post-Election Report for the Cococo October 15 Quarterly Report (Type of Election) dealon on Mas. 5 1996 in the State of Texas January 31 Year End Report Termination Report July 31 Mid-Year Report (Non-election Year Orly) This record contains Runoff Election General Election Special Election Primary Election activity for SUMMARY COLUMN B COLUMN A Covering Partod 10160196 through _11/25/96 This Period. Calendar Year-to-Date Net Contributions (other than iners) <u>6345748</u> 227026.75 (A) 458500 Total Contribution Refunds (from Line 20(d)) (b) Net Contributions (other than loans) (subtract Line 6(b) from 6(e)) 441.75 Net Operating Expenditures Total Operating Expanditures (Iron Line 17) 129 425.66 297 876 92 Total Offsets to Operating Expenditures (from Line 14) 129425 66 Net Operating Expenditures (subtract Line 7(b) from 7(a)) 297 876 (c) For further information Cash on Hend at Close of Reporting Period (from Line 27)92 cuttect Debts and Obligations Owed TO the Committee Pederal Election Commission (Remize all on Schedule C and/or Schedule D) .. - & -998 E Street, NW Dable and Chilgellors Greet SY the Committee Washington, DC 20463 Tell Free #00-424-9530 (Numize all on Schedule C and/or Schedule D) 79073,29 Local 202-219-3420 I certify that I have examined this Report and to the bast of my knowledge and belief it is true, correct and comple Type or Print Name of Treasurer MOORE Signature of Treasurer 61 felse, erroneoue, or incomplete information may subject the person signing this Report to the penaltics of 2 U.S.C. 5437g. **FEC FORM 3**

(revised 4/87)

97/032323902 REPORT OF RECOPTS AND DISBURSEMENTS

	For An Authorized Com (Summery Page)	micro		RECEIVED	u
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ary	STATE and ZIP CODE	STATEMENT	3. IS THIS RE	PORT AN AMENDMEN	17
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		T man and Partie	n Report for the		
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	aly 31 Mid-Year Report (Non-election Year Only)	Termination Report			
This re	part corpains for Primary Election	General Election	Special Bloc	Son Nund	f Gestio
		SUMMARY			
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6.	Net Contributions (other than loans)			∞ 23L5	, 0. 1
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7.	Not Operating Expenditures (from Line 17	<u> </u>	3,490	51 3013	67.
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Ty	trodd Moore	Normation may subject the p	erson signing this Rep	7/2	

SCHEDULE A

ITEMIZED RECEIPTS

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for each category of the
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Sale of compaign assets.